

### **REMARKS**

Claims 1-62 are currently pending in the application. By this Amendment, claims 1, 11, 18, and 30-35 have been amended, without acquiescence or prejudice to pursue the original claims in a related application. No new matter has been added. The support for the amendment can be found at least in paragraphs 22 and 25.

#### **Claim Rejections - 35 USC § 103**

Claims 1- 4, 8, 10-12, 14, 18-21, 23, 24, 29, 3-38, 40, 42-43, 45, 47, 48, 50-52, 54, 56 and 60 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Marcy (US Patent: 6,662,342 B1) in view of Dreyband et al (US Patent Application: US 2001/0029604 A1) and further in view of Bhatt (US Patent: 6,799,184 B2). Claims 15-17, 25-28, 57, 58 and 61-62 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marcy, in view of Dreyband et al. in view of Bhatt further in view of Wan (US Patent: 2003/0233618 A1). Claims 5-7, 9, 13, 22, 39, 41, 44, 46, 49, 53, 55 and 59 remain rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Marcy, in view of Dreyband et al. in view of Bhatt et al and further in view of JAXB (Sun Microsystems, pages 58, and 74, published: January 8, 2003).

Amended claim 1 recites at least the features “determining if the element identified is appropriate for association with the named access procedure based at least in part upon a datatype of the element, wherein certain datatypes of elements within the database are designated as not eligible for the named access procedure such that the element having at least one of the certain datatypes are not associated with the named access procedure... if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to an instance of the XML data such that the named access procedure returns an appropriate datatype for the element without converting the datatype of the element” (Emphasis Added). Claims 11, 18 and 30-35 recite similar limitations. This feature is not taught or suggested by the cited references.

Marcy is directed to a method, system and program for providing access to objects in a document. Marcy does not teach or suggest named access procedure as claimed. The Office action uses Marcy to show schema of XML data. Thus, Marcy does not disclose or suggest “determining if the element identified is appropriate for association with the named access procedure based at least in part upon a datatype of the element, wherein certain datatypes of elements within the database are designated as not eligible for the named access procedure such that the element having at least one of the certain datatypes are not associated with the named access procedure... if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the instance of the XML data such that the named access procedure returns an appropriate datatype for the element without converting the datatype of the element.”

Bhatt is directed relational data base system with XML support. It does not suggest or teach the named access procedure as claimed. The Office action uses Bhatt to show the use of columns. Thus, Bhatt does not teach or suggest “determining if the element identified is appropriate for association with the named access procedure based at least in part upon a datatype of the element, wherein certain datatypes of elements within the database are designated as not eligible for the named access procedure such that the element having at least one of the certain datatypes are not associated with the named access procedure... if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the instance of the XML data such that the named access procedure returns an appropriate datatype for the element without converting the datatype of the element.”

Dreyband does not remedy the deficiencies present in Marcy and Bhatt. Applicants respectfully submit that Dreyband also does not teach or suggest “determining if the element identified is appropriate for association with the named access procedure based at least in part upon a datatype of the element, wherein certain datatypes of elements within the database are designated as not eligible for the named access procedure such that the element having at least one of the certain datatypes are not associated with the named access procedure... if the element

identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the instance of the XML data such that the named access procedure returns an appropriate datatype for the element without converting the datatype of the element” (emphasis added).

Dreyband discloses descriptive data construct mapping method and apparatus. The Office action states Dreyband discloses that a check is performed to make sure the xml document is “schema valid”. This disclose does not teach or suggest determining elements for any named access procedure based at least in part upon datatypes of elements as claimed. Thus, Dreyband does not teach or suggest “determining if the element identified is appropriate for association with the named access procedure based at least in part upon a datatype of the element, wherein certain datatypes of elements within the database are designated as not eligible for the named access procedure such that the element having at least one of the certain datatypes are not associated with the named access procedure... if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the instance of the XML data such that the named access procedure returns an appropriate datatype for the element without converting the datatype of the element.”

For at least the foregoing reasons, Applicants respectfully submit that claim 18 and its dependent claims are allowable over the cited references and their combination.

Wan and JAXB also are silent with respect to the feature “determining if the element identified is appropriate for association with the named access procedure based at least in part upon a datatype of the element, wherein certain datatypes of elements within the database are designated as not eligible for the named access procedure such that the element having at least one of the certain datatypes are not associated with the named access procedure... if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the instance of the XML data such that the named access procedure returns an appropriate datatype for the element without converting the datatype of the element.”

Claims 11, 18 and 30-35 recite similar limitations as claim 1. Therefore, these claims and their respective dependent claims are patentable over Marcy, Dreyband, Bhatt, the other cited references, and their combination.

**CONCLUSION**

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number OI7035732001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number OI7035732001.

Respectfully submitted,

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